

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:04CV98

**VANCE CLIFFORD DALTON, and)
wife, KAY S. DALTON,)**

Plaintiffs,)

Vs.)

ORDER

**LARRY PIERSON, individually, and as)
a Henderson County Deputy Sheriff;)
DARRIN WHITAKER, individually and)
as a Henderson County Deputy Sheriff;)
GEORGE H. ERWIN, JR., Sheriff of)
Henderson County; and FIDELITY AND)
DEPOSIT COMPANY OF MARYLAND,))**

Defendants.)

THIS MATTER is before the Court *sua sponte* for reconsideration of Defendants' motion to postpone the trial until July 26, 2005.

While the Court previously granted the Defendants' motion, the Court has been advised that criminal matters have been scheduled for that date that take precedence over the civil matters and require the Court's attention. Therefore, the parties agreed at the pretrial conference held this date that the trial should be continued.

IT IS, THEREFORE, ORDERED that this case is **CONTINUED** from the July 2005 term; the Clerk is directed to place this case on the Court's September 2005 civil trial calendar, tentatively set for trial on September 19, 2005.

Signed: June 28, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

